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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,541	12/01/2003	Vladilen Safonov	1344	1858

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EXAMINER

PHAM, LEDA T

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8A

**Office Action Summary**

Application No.

10/724,541

Applicant(s)

SAFONOV, VLADILEN

Examiner

Leda T. Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/01/03</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group I, claims 1 – 12, 18 - 21 in the reply filed on 2/28/05 is acknowledged. The traversal is on the ground(s) that “the examiner has failed to provide an explanation as to whether the species claimed herein represent a different field of search. M.P.E.P. 808.02”. This is not found persuasive because in office action requiring for election filed on 2/16/05, examiner stated that “the process as claimed can be used to make other and materially different product such motor, a cooling device, and the product as claimed can be made by another and materially different process such as adjusting the tuning characteristic does not need to use a computer control, it can be use by a sensor controller. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper”.

Thus, the requirement is still deemed proper and is therefore made FINAL.

2. Claims 1 – 12, and 18 – 21 are presented for examination.

### ***Claim Objections***

3. Claims 1, 6 – 8, 18 and 20 are objected to because of the following informalities: the terms “suseptible, horizomal, plurlatiy, muliple, fuxture, lenght” in above claims are misspelling. Please, check spelling in each of claim. Claim 21 is objected to because “said load element” and “said system” lack of antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by MacManus (U.S. Patent No. 5,046,154).

Referring to claim 18, MacManus teaches a turbine-generator set having a bearing housing (bearing 30 is inside rear portion of housing bearing 26), the improvement comprising forming at least one bearing fulcrum load wing (the pair of wings 33) within said bearing housing (26) at a location on said bearing housing (26) that is susceptible to vibration (figure 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1- 4, 7, 19 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacManus in view of J.L. Lawrence (U.S. Patent No. 1,777,852).

Referring to claim 1, MacManus teaches the claimed invention, except for the device machine is a turbine-generator as recited in claim.

Lawrence teaches the electric machine in his invention can be use either for a motor or a turbine-generator.

Thus, it would have obvious to one having ordinary skill in the art at the time the invention was made to using a turbine-generator instead of a motor since it was known in the art that a motor can be a generator, or a generator can be a motor in a rotary machine.

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Referring to claims 2 – 4, the combination of MacManus and Lawrence substantially teaches the claimed invention, except for the added limitation of the bearing fulcrum load wing is changeable in length, width, or weight result in tunability of vibration dampening capability. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the length, width, or weight of the bearing fulcrum load bearing to result of vibration dampening capability, since it was well known in the art that vibration dampening controlled by changing the length, width, or weight of supporting elements. The supporting elements can be bearings, wings, shaft and so on (see cited prior art of Alexander Patent number 4,735,036; Takahashi patent number 4,561,774; Crenshaw patent number 5,109,943; Kato US2002/0139625). Also, it has held that a change in size or shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Referring to claim 7, the combination of MacManus and Lawrence teaches the claimed invention, except for the multiple wing elements capable functioning integrally. Thus, those skilled in the art would know that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form supported tabs 33 integrally with each other to make a bearing fulcrum load wing. This is obvious because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S.164.

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Referring to claims 19 – 20, the claim language is a function of the bearing fulcrum load wings (the characteristics) that is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of MacManus and Lawrence as applied to claim 18 above, and further in view of Kahara (U.S. Patent No. 6,857,335 B2).

Referring to claim 21, the combination of MacManus and Lawrence substantially teaches the claimed invention, except for the added limitation of the turbine-generator having control means for manipulating an attachment means.

Kahara teaches in his invention a control means (mechanical control level 31) for manipulating an attachment means (41) to shift the transmission.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the turbine-generator with control means as taught by Kahara. Doing so would shift the transmission to a shift range.

***Allowable Subject Matter***

9. Claims 5 – 6, 8 – 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance: the record of prior art does not show a turbine generator vibration damper system having bearing fulcrum load wings that are foldable or to result in tenability of vibration dampening capability.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leda T. Pham whose telephone number is (571) 272-2032. The examiner can normally be reached on M-F (8:30-6:00) first Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leda T. Pham  
Examiner  
Art Unit 2834

LTP  
May 24, 2005

  
DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
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